

Chapter 34

COURTS¹

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ARTICLE I. IN GENERAL

Secs. 34-1--34-30. Reserved.

ARTICLE II. MUNICIPAL COURT²

DIVISION 1. GENERALLY

Sec. 34-31. Established.

There is hereby created and established a municipal court under the provisions of Wis. Stats. ch. 755 to be designated as "municipal court for the City of Evansville and the Town of Union."

(Code 1986, § 1.05(2)(a); Ord. No. 2002-7, § 1, 1-2-2003)

Sec. 34-32. Hours.

The municipal court shall be open as determined by order of the municipal judge.

(Code 1986, § 1.05(2)(b); Ord. No. 2002-7, § 1, 1-2-2003)

Sec. 34-33. Location.

The municipal judge shall keep his office and hold court in the city hall.

(Code 1986, § 1.05(2)(c); Ord. No. 2002-7, § 1, 1-2-2003)

Sec. 34-34. Forfeitures, fees, assessments and costs.

The Municipal Judge may impose punishment and sentences as provided by Wis. Stats. ch. 800 and as provided in the ordinances of the City of Evansville and the Town of Union. All forfeitures, fees, penalty assessments, crime laboratories and drug law enforcement assessments, consumer information assessments, domestic abuse assessments and costs paid to the municipal court under a judgment before the municipal judge shall be paid to the City of Evansville clerk-treasurer within seven days after receipt of the money by the municipal judge or other court personnel. At the time of the payment, the municipal judge shall report to the clerk-treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments, crime laboratories and drug law enforcement assessments, consumer information assessments, domestic abuse assessments and costs, if any. The clerk-treasurer shall disburse the fees as provided in Wis. Stats. § 814.65(1).

² **Editor's note:** Ord. No. 2002-7, § 1, adopted Jan. 2, 2003, repealed the former Art. II., §§ 34-31--34-65, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from the Code of 1986, § 1.05 and Ord. No. 1999-16, §§ 1, 2, adopted Nov. 9, 1999.

All jail assessments paid to the municipal court under a judgment before the municipal judge shall be paid to the county treasurer within seven days after receipt of the money by the municipal judge or other court personnel.

(Code 1986, § 1.05(2)(d); Ord. No. 2002-7, § 1, 1-2-2003)

Sec. 34-35. Contempt procedure.

The municipal judge may impose a sanction authorized under § 800.12(2), Wis. Stats., for contempt of court, as defined in § 785.01(1) Wis. Stats., in accordance with the procedures under § 785.03 Wis. Stats.

The municipal judge may impose a forfeiture for contempt under § 800.12(1) Wis. Stats. in an amount not to exceed \$50.00 or, upon nonpayment of the forfeiture and the penalty assessment under § 165.87, Wis. Stats., a jail sentence not to exceed seven days.

(Code 1986, § 1.05(2)(e); Ord. No. 2002-7, § 1, 1-2-2003)

Sec. 34-36. Stipulations and deposits.

(a) *Establishment of deposit schedule.* The municipal judge shall establish and submit to the city council and town board for approval, in accordance with Wis. Stats. § 800.03(3), a schedule of deposits for violations of city and town ordinances, resolution and bylaws, except traffic regulations which are governed by Wis. Stats. § 345.27, and boating violations governed by Wis. Stats. § 23.67. When approved by the council and town board, such deposit schedule shall be posted in the office of the municipal court clerk and the city and town police departments, if any.

(b) *Stipulations and deposit in lieu of court appearance.* Persons cited for violations of city ordinances, resolutions or bylaws for which a deposit has been established under this section shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provide in Wis. Stats., §§ 800.03, 800.04 and 800.09.

(c) *Traffic and boating violation deposits.* The deposit schedule established by the state judicial conference and the procedures set forth in Wis. Stats. chs. 23 and 345 shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Wis. Stats. § 345.27 and boating regulations enacted in accordance with Wis. Stats. § 30.77.

(d) *Cases where not permitted.* Stipulations and deposits may not be permitted after initial appearance or in cases of contempt under section 34-36 of the City of Evansville Municipal Code or Town of Union Code, unless otherwise approved by the court.

(Code 1986, § 1.05(2)(f); Ord. No. 2002-7, § 1, 1-2-2003)

Sec. 34-37. Authority to impose alternative juvenile dispositions and sanctions.

(a) For a juvenile adjudged to have violated an ordinance, the municipal court is authorized to impose any of the dispositions listed in Wis. Stats. §§ 938.343 or 938.344 in accordance with the provisions therein.

(b) For a juvenile adjudged to have violated an ordinance, and who further violates a condition of a dispositional order of the municipal court under Wis. Stats. §§ 938.343 or 938.344, the municipal court is authorized to impose any of the sanctions listed in Wis. Stats. §§ 938.355(6)(d) and (6)(m), in accordance with the provisions therein.

(c) This section is enacted pursuant to the authority of Wis. Stats. § 938.17(c)(cm).
(Code 1986, § 1.05(3); Ord. No. 2002-7, § 1, 1-2-2003)

Secs. 34-38--34-60. Reserved.

DIVISION 2. MUNICIPAL JUDGE

Sec. 34-61. Office created.

Pursuant to Wis. Stats. § 755.01, there is created the office of municipal judge for the City of Evansville and Town of Union.

(Code 1986, § 1.05(1)(a); Ord. No. 2002-7, § 1, 1-2-2003)

Sec. 34-62. Salary.

The municipal judge shall receive a salary as established from time to time by resolution of the Evansville common council as allowed according to Wis. Stat. § 755.04. The salary shall be in lieu of fees and costs. No salary shall be paid to the judge for any time during the term for which an official bond and oath have not been executed and filed with the clerk-treasurer. The municipalities may by separate ordinances allocate funds for the administration of the municipal court pursuant to § 66.30, Wis. Stats.

(Code 1986, § 1.05(1)(c); Ord. No. 1999-16, § 2(1.05(c)), 11-9-1999; Ord. No. 2002-7, § 1, 1-2-2003)

Sec. 34-63. Oath and bond.

The judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in § 757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$15,000.00. The judge shall not act until the oath and bond have been filed as required by § 19.01(4)(c), Wis. Stats., and the requirements of § 755.03(2), Wis. Stats. have been complied with.

(Code 1986, § 1.05(1)(d); Ord. No. 2002-7, § 1, 1-2-2003)

Sec. 34-64. Jurisdiction.

The municipal judge of the municipal court shall have such jurisdiction as provided by §§ 755.045 and 755.05, Wis. Stats., and as otherwise provided by state law. Such court shall be under the jurisdiction of and presided over by a municipal judge who shall be an attorney licensed to practice law in Wisconsin, and who resides in the City of Evansville or the Town of Union.

(Code 1986, § 1.05(1)(e); Ord. No. 2002-7, § 1, 1-2-2003)

Sec. 34-65. Election; term of office.

Such municipal judge shall be elected at large in the spring election for a term of four years commencing on May 1. All candidates for the position of municipal judge shall be nominated by nomination papers as provided in § 8.10, Wis. Stats., and selection at a primary election if such is held as provided in § 8.11, Wis. Stats. The common council of the City of Evansville and the town board of the Town of Union shall provide for a primary election in the event that more than two candidates file nomination papers for such position of municipal judge as provided in § 8.11 (1) (a) Wis. Stats, and such primary election shall be held on the third Tuesday of February as provided in § 5.02(22) Wis. Stats.

The municipal clerk of each municipality shall see to the compliance with §§ 5.58(1c), 5.60 (1)(b), 5.60(2), 7.10(1)(a), 7.60(4)(a) and 8.10(6)(a) Wis. Stats. To provide for the election of a municipal judge under § 755.01(4).

(Ord. No. 1999-16, § 1(1.05(b)), 11-9-1999; Ord. No. 2002-7, § 1, 1-2-2003)